

MEMORANDUM

Date: December 18, 2012
To: WG 1 attendees and Interested Parties
From: Emory Rodgers, Deputy Director, DHCD
Subject: Summary Workgroup #1 = December 13, 2012

Opening remarks – Updates on meetings were provided to the group – April 22 is target date to approve all proposed 2012 regulations. The hope is that they will be published in the June/July time frame. The second public hearing will be next September. The Board would like to have final regulations before the end of 2013. Gubernatorial election will likely impact any approvals. New revised 2013-2014 regulatory schedule will be emailed to all stakeholders once approved next month. Also during this cycle, we are updating all related laws and MOA's with state agencies. March 12, 2013 is the next WG 1 meeting.

Code Changes -

SFPC 103.2, Table 107.2 – Dean and Dawson explained that this change correlates with the model code language. Fireworks provisions are only for fireworks that are not permissible. It does not affect the consumer fireworks that are legal in Virginia. Dawson saw problem with the way it is written today, as there is no way to get to permits because 3000 doesn't exist. Current way hampers the fire service in getting to where they need to go in the code. Mr. Walker had no objections. Will move forward as second round to FSB/BHCD Code Committee and BHCD CSC on March 25 and BHCD on April 22nd. Consensus WG 1.

SFPC 106.4 – requires written policy for third-party inspections. Catlett didn't have a chance to get this to Robby. Table until FSBCC has a chance to review. Dawson concerned that this limits their ability. J Catlett thinks it strengthened their ability. E Altizer asked what we're trying to do. J Catlett explained there was some confusion in localities over what they can and cannot do....also an issue with one jurisdiction charging (mandating) overtime and not allowing third-party. Cost being passed to consumers and created a potential legislative issue. Sometimes if it becomes a legislative issue, it requires a code change as opposed to just doing education, although that will be done with this section in code change training and Code Academy Core programs.

SFPC 107.6 & 107.14 – E. Altizer explained that there was an enormous amount of time investigating illegal fireworks and they need to cover their costs of investigating these. Comment by Walker included, he felt this is a legal issue that as proposed unfairly targets retailers of permissible fireworks with an annual fee that his company alone has 500

outlets. Also, no supporting data showing a problem exists. Supporting statement needs to address with justification on complaints, enforcement process, etc. Tabled until the March 12th Workgroup 1 meeting. Emory noted OAG is reviewing legal issues. Rest of code change is consensus on complaint investigation fees and will move forward as consensus December 20th FSB/CSC meeting.

SFPC 107.11 – Struck due to being redundant language – moving forward as consensus December 20th FSB/CSC CC meeting.

SFPC 107.13 – Late fees for permit application. Moving forward as consensus FSB/BHCD CC meeting December 20th..

SFPC 108.1.2 – Add word “suspended” to section. Moving forward as consensus FSB/BHCD CC December 20th.

SFPC 108.3.7 – adding language to allow electronic signature – moving forward as consensus FSB/BHCD CC December 20th.

SFPC 111.1.1 – Right of Appeal – moving forward as consensus FSB/BHCD CC December 20th.

SFPC Section 202 – Adding English language wording. Is already in one definition. Will move forward as consensus for FSB/BHCD CC March 25, 2013.

SFPC Sky lantern/Recreational Fire – Tabled. FSBCC wants to wait until the 2015 language is finalized. Tentative on March 12th WG 1 agenda.

USBC IPC Marinas – New code change handed out this morning by Harper. Worked with Health Department to get plumbing requirements out of the Health Dept regs and into the Building Code. Pulled boating access facility completely out. Port-a-johns are a last resort. Discussion using examples. Mike Toalson concerned about cleaning up language to make it clear that it does not apply to private individual facilities (like him). Will be on Workgroups 3 and 4 meeting on January 10. Those with recommendations to clarify put in writing to Harper. Will be on March 12th WG 1 agenda for consensus.

USBC IPC Pools – Adopts the ICC Pool Code but with Virginia specific adjustments. Question on whether or not it applies to campground pools. Response was yes. Toalson asked if the pool code was part of the ICC family of codes. Answer yes. Clements and Bartell asked why second sentence in definition is required. Vernon – because it includes multiple types of aquatic vessels and pools. Discussion ensued. Move forward as consensus, but look at definition deleting or move second sentence to scope. Bridges prefers deletion as is not really necessary. December 20th BHCD’s CSC to approve Emory will convey need to delete definition or amend as necessary and that rest of code change is consensus with stakeholders and VDH/DHCD staff.

USBC 303.6 Add Swimming pools to A-5 Use group. Moving forward as consensus BHCD’s CSC December 20th.

USBC 410.2 Pool Showers – Submitted by Payne. Trying to make clear that hand-held and shower spray unit wouldn't be interpreted to require accessibility. GT concerned backflow language is missing. Vernon thinks it is elsewhere in the pool code. Will confirm. BHCD's CSC consensus December 20th.

USBC IPC Rainwater/Graywater/Reclaimed Water – Background information provided. Health Dept and DEQ all involved. This will move forward as consensus BHCD's CSC December 20th. A late code change by industry will be vetted at WG 3-4 meeting January 10th and March 12th WG 1 meeting. Staff advises submitter. .

USBC VCC and VRC 101.6 – Order of precedence. Will go to Catlett's VBCOA administrative committee to be on March 12th WG 1 agenda. JC – at first blush, this will not be a problem to tweak get with Payne.

USBC 102.3 – Storage and shipping containers – TRB interpretation. Moving it into the code as exemption for storage. Clements, Bartell, Catlett, others no issue with exempting but questioned language on C of O language and alterations. VBCOA admin committee to review so get comments to Catlett. On March 12 WG 1 agenda.

USBC 103.4 – Payne adds language for existing structural elements because Virginia had eliminated language that would allow use of these exemptions. JC – not sure how this applies to additions. How would this effect adding a second story to an existing one story structure. VBCOA admin committee will review. Moving all alterations to VRC may make mute. On March 12th WG 1 agenda.

USBC103-10 – Authorizes the use of admin provisions in the IECC. Need to make all points in supporting statement. VBCOA IECC, IRC and Admin. Committees should each review and coordinate with Catlett and submitter for a final version and package of all energy changes Will move to next Workgroup 1 March 12th meeting.

USBC 108.2 – Exemptions for buildings up to 256 sq. ft. – Will move forward as consensus. On the 12/20 BHCD's CSC agenda.

USBC 108.2 – submitted by Bajnai – exemptions for decks. IRC committee looked at it and did not support nor did any WG 1 attendees. Staff will advise submitter to see if he wishes to proceed.

USBC 108.2 – fences/walls – exempts from permitting requirements. At last admin meeting, everyone agreed. AIA's recommendation goes away. Will be consensus for BHCD's CSC December 20th meeting.

USBC Bathroom exceptions: Cemetery Association will be submitter of this code change. Guy will help with supporting statement. General consensus Will be on March 12th WG 1 agenda for consensus and on March 25th BHCD's CSC.

USBC 108..2 add new exception #11 for 1500 s.f. or less cemetery buildings for burials. Consensus for BHCD's CSC December 20th meeting. .

USBC 108.2 – Adds language to make it clear that well pumps are also included as exempt. Will move forward as consensus on the March 25 BHCD's CSC agenda.

USBC 110.4 – Preliminary Meeting – This was same language that was submitted for emergency equipment section. Payne wants same language for fire access roads, Fire and building officials felt not necessary as can request now and roads are part of the site plan process. Everyone is willing to meet and attendees code officials stated they have never said no. Terrible code language noted by some. ER suggested that perhaps better approach is to let DHCD know if there are jurisdictions that are problematic. Non-consensus WG 1 this meeting. VBCOA administrative committee and FSBCC might review with Payne. On March 12th WG 1 agenda

USBC 112.1 – This is a TRB code change that stems from an appeal case where they looked at this language and the TRB made a suggestion that this is an area of the code which needed clarification. Will move to VBCOA admin committee and then March 12th WG 1 meeting. Consensus at this meeting but wanted to review. Vernon will work with committee.

USBC 113.6 – allows electronic inspection report or notices pursuant to the locality's legal counsel. Discussion ensued. Need to wordsmith a little as getting legal approval is a problem. On WG 1 agenda March 12th.

USBC 113.8 – Building Official is permitted to require the electrical service to a building to be energized prior to conducting the final inspection. Long standing interp of the TRB. Clement – doesn't see how this fixes anything. Send to VBCOA admin committee and bring back for March 12th WG 1 meeting. Vernon work with committee and Clement.

USBC 117.1 – Temporary uses within existing bldgs & structures. For cold weather emergency shelters, etc. Added language to notify the appropriate fire official or fire chief of the approved temporary use. Legalizes what everyone has been doing anyway. Some thought some grammar tweaks might be necessary but consensus. Such tweaks can be made prior to publication and approval by the BHCD's CSC at March 25th meeting. Also avoids potential legislation. Is on BHCD's CSC for consensus Dec. 20th.

USBC 118 Unsafe Buildings – submitted to address buildings that may be under construction and construction has stopped and became dilapidated, unsafe, faulty, etc. Consensus for BHCD's CSC December 20th.

USBC 118.3 – this is being submitted just in case the entire 118 isn't accepted. If 118 is accepted this language is incorporated. Consensus, on the BHCD's CSC meeting December 20th agenda.

119.2 – Appeals Board meeting requirements – Gives flexibility to local boards to allow them to meet and appoint officers as necessary. Catlett brought up the issue of DHCD providing training for local appeals boards so that it is standardized. DHCD will work with BCAAC and JPVBCA will work with VBCOA to develop an on-line program by the effective date of this regulation. Consensus on BHCD's CSC December 20th agenda.

USBC 119.6 – extends from 30 to 45 days the time if appeals monthly meetings are scheduled. Consensus on BHCD's CSC December 20th agenda.

USBC 907.2.3 – Castelvechi – keeps the occupancy at 50 as opposed to 30 for a manual fire alarm system in modular classrooms or small private schools. This would take us back to the 2009 language. Small private schools would be adversely harmed requiring thousands of modular classroom buildings to add fire alarm stations and voice communication systems. Will be on the Feb 28 WG 2 agenda. Consensus among those present.

USBC 3412.2.2 –Payne submitted to provide consistency. This needs to go to VBCOA IBC Committee and brought back for the Feb 28 agenda. Discussion of full vs. partial change of occupancy. No reason to exempt plumbing mechanical from full but not from partial change of occupancy. Maybe mute with moving of all existing provisions into the VRC

USBC Section 103 –Covers all of the section will be on Feb 28 meeting and then move forward on the March 25th BHCD's CSC agenda. This was successful on the national level and approved by ICC BOD. Consensus with need to vet and review more among stakeholders

USBC VRC section 101.2 – Incorporation by reference. Discussion on using VCC vs. IBC due to language in VRC. Will go back to admin committee and then brought back to the Feb 28 WG 2 meeting.

Section 202 VRC– Payne – Existing buildings – initial edition of USBC discussed as some localities adopted enforcement 1973 or 1975 so KP to make changes and bring back. Send to VBCOA admin. Committee. On March 12th WG 1 agenda.

USBC VMC 104.5.3 – New language ok as consensus for March 25, 2013, BHCD's CSC meeting.

USBC VMC 602.2 – Heat and cooling supply. Allows modifications to the May 15th and October 15th heating and cooling dates. Intended for people who rent with central systems mostly the older apartments. Consensus on the BHCD's CSC March 25th agenda.

IBSR regs – Industry on board will move forward as consensus on the BHCD's CSC March 25th meeting agenda.

MHSR – Will move forward as consensus on the BHCD's CSC March 25th meeting agenda

IBSR 107.1.1 Fee schedule – Exception for limited fees. Clement stated this is not needed but, if it is, it's in the wrong place. State law already says local jurisdictions can only defray costs so they already have the authority to do that and if some are doing more than defraying cost then they are in violation of state law. E Rodgers gave background as to why this is necessary. Some jurisdictions are charging full amount even though they are doing less inspections. Move to admin committee. Executive of modular builder asked to look at this. We need to take something back as response to Governor's office indicated review

would be done. Need to notify CEO of plant that has an issue with this and let him know that he needs to come forward at March 12 WG 1 meeting. VMMHA and VBCOA Admin. Committee need to review. Will also emphasize in code change training and JPVBCA core.

VADR

Sections 20 and 75 – Certification of Inspection added. Ok to move forward. BHCD's CSC December 20th meeting agenda

Section 30 – Devices covered and exempt. Consensus will move forward BHCD's CSC December 20th meeting agenda. Item 4 mall trains might be deleted by request at the December 20th meeting.

Section 75 – Adds language to increase fees up to 50% for weekends or after hours. RB would like to see defray costs language. Rodgers return to the ADTAC concern is 50% is not enough. On March 12th WG 1 agenda..

Section 200 and 210 – kiddie rides and inflatables – editorial changed that seals expired to be within a one year period prior to the dates the inflatable amusement device is to be used. No substantial change. Discussion on changing year to “operating season” or calendar year. Rodgers suggested that would be a substantial change and would have to be submitted separately as code change might want to ask ADTAC representative to discuss at next meeting and the March 12th WG 1 agenda. Consensus on the BHCD's CSC December 20th meeting agenda. Staff will see if definition of inflatables is in standard as not in VADR. Need to be sure what is covered.

Section 75 – addresses amusement devices operated on state owned property to be done by state building official. Allows DGS to enforce VADR. Consensus on BHCD's CSC December 20th meeting agenda.

Section 75 – clarifies that violations are the same as USBC – consensus on the BHCD's CSC March 25th meeting agenda.

Solar for tax exemption included just as an informational item.

Health Dept. MOA s – Agencies MOA's only on-site sewage and water quality. As both have regulations so to avoid conflict and agree upon where one regulations covers by VDH and the USBBC. No action necessary.

Next Workgroup #1 Meeting: March 12th.

Attendees:

Workgroup #1 Dec. 13, 2012 VHC

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